

BILL NO. R-86-11- 02

DECLARATORY RESOLUTION NO. R-85-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as the former L. S. Ayres department store building, Roth, Wehrly Realty building, Adams Appliance store building. (CBD Investment Group, Petitioner).

WHEREAS, Petitioner has duly filed its petition dated October 24, 1986, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

SCHEDULE A

PARCEL 1

Tract 1
Lots Numbered 119, 120, 121, 122, 123 and 124, the vacated alley between said Lots 121 and 122, and the vacated alley through said Lot 120, excepting that part of Lot 124 taken for the widening of Clinton Street, all in the Original Plat of the town, now City of Fort Wayne.

Tract II
Lot 118, Lot 117 EXCEPT the North 70 feet thereof; Lot 116, EXCEPT the North 70 feet of the East 42.5 feet thereof; TOGETHER WITH the East One-Half or 2.5 feet of a 5 foot Vacated Fire Alley lying between Lots 115 and 116, all in the Original Plat of the Town, now City of Fort Wayne.

PARCEL 2

Lot Number 113, except that part given for the widening of Clinton Street, recorded in Miscellaneous Record 77, page 170 and Lots 114 and 115 and also the West 2 1/2 feet of the vacated alley adjacent to the East side of Lot 115 in the Original Plat of the town (now City) of Fort

Wayne, according to the plat thereof, recorded in Deed Record D page 169, in the Office of the Recorder of Allen County, Indiana.

PARCEL 3

A part of Lot Numbered 117 Original Plat of the Town, now City of Fort Wayne, more particularly described as follows, to-wit:

Commencing at the northeast corner of said Lot 117; thence west along the north line of said lot 32.5 feet; thence South parallel with the east line of said lot 70 feet; thence east parallel with the north line of said lot 32.5 feet; thence north along the east line of said lot 70 feet to the point of beginning.

ALSO

Commencing at a point on the North line of said lot 117, 32.5 feet West of the Northeast corner; thence west along the North line of said lot, 22 feet; thence South parallel with the East line of said lot, 70 feet; thence East parallel with the North line of said lot, 22 feet; thence North parallel with the East line of said lot, 70 feet to the point of beginning.

PARCEL 4

That part of Lot No. 116 of the Original Plat of the Town, now City of Fort Wayne, described as follows:

Commencing at a point on the north line of Lot No. 116 of the Original Plat of the town, now City of Fort Wayne, 17.5 feet east of the northwest corner of said Lot No. 116; thence east along the north line of said lot, 24 feet; thence south parallel with the west line of said lot, 70 feet; thence west parallel with the north line of said lot, 24 feet; thence north parallel with the west line of said lot 70 feet to the place of beginning.

And

A part of lots 116 and 117, Original Plat of the town now city

of Fort Wayne, Allen County,
Indiana, described as follows,
to-wit:

Commencing at a point on the
north line of lot 116, of said
Original Plat 41.5 feet east
of the northwest corner of said
lot 116; thence east along the
north line of said lots 24 feet;
thence south parallel with the
north and south lines of said
lots 70 feet; thence west parallel
with the east and west lines
of said lots 24 feet; thence
North parallel with the north
and south lines of said lots
70 feet to the point of beginning,
according to the plat thereof,
recorded in Deed Record D, page
169 in the Office of the Recorder
of Allen County, Indiana.

PARCEL 5

Lots #64 and #65 together with
the vacated 10 foot alley between
said lots and part of Lot #66
all in the Final Plat of the
County Addition an Addition to
the Town (now City) of Fort Wayne
as recorded in Plat Book 0, page
3.

ALSO Lot #272 and part of Lot
#1 together with the vacated
10 foot alley between said lots
all in the Final Plat of Samuel
Hanna's First Addition to the
Town (now City) of Fort Wayne,
Indiana and more particularly
described as follows, to wit:

BEGINNING at the Northeast corner
of Lot #64 in the County Addition
said point marked by the center
of a wrought iron fence post
set in a concrete wall; thence
West along the North line of
Lot #64, 65 and 66 also being
the South right of way line of
Berry Street a distance of 180.6
feet to an iron pin set, said
point being the Northeast corner
of a dedicated alley as recorded
in Document Number 84-020566;
thence South along the East line
of said Alley Dedication a distance
of 130.0 feet to an iron pin
set; thence Southeasterly continu-
ing along an Easterly line of
said alley a distance of 32.01
feet to an iron pin set on the

South line of Lot #1 in Samuel Hanna's First Addition, said point located 74.4 feet East of the Southwest corner of said Lot #1; thence East along the South line of Lot #1 and Lot #272 in said Samuel Hanna's First Addition a distance of 155.85 feet measured to an iron pin found, said point being the Southeast corner of said Lot #272; thence North along the East line of said Lot #272 and the East line of said Lot #64 in the County Addition a distance of 150.0 feet to the point of beginning, containing 0.62 acres of land more or less.

PARCEL 6

Lots Numbered 173, 174 and 175 and five feet of the vacated alley adjoining said Lot Number 175 in the East, in the original plat of the town (now City) of Fort Wayne, Allen County, EXCEPT West ten feet of Lot 173 taken for street purposes.

PARCEL 7

Lot Number 176 in the Original Plat of the Town, now City, of Fort Wayne, according to the plat thereof.

said property more commonly known as the former L. S. Ayres department store building, Roth, Wehrly Realty building, Adams Appliance store building, fort Wayne, Indiana;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolu-

1 Page Five

2 tion and shall continue for two (2) years thereafter. Said design-
3 nation shall terminate at the end of that two (2) year period.

4 SECTION 2. That upon adoption of this Resolution:

5 (a) Said Resolution shall be filed with the Allen
6 County Assessor;

7 (b) Said Resolution shall be referred to the Committee
8 on Finance and shall also be referred to the De-
9 partment of Economic Development requesting a re-
10 commendation from said department concerning the
11 advisability of designating the above designated
12 area an "Economic Revitalization Area";

13 (c) Common Council shall publish notice in accordance
14 with I.C. 5-3-1 of the adoption and substance of
15 this Resolution and setting this designation as an
16 "Economic Revitalization Area" for public hearing;

17 (d) If this Resolution involves an area that has al-
18 ready been designated an allocation area under
19 I.C. 36-7-14-39, then the Resolution shall be re-
20 ferred to the Fort Wayne Redevelopment Commission
21 and said designation as an "Economic Revitalization
22 Area" shall not be finally approved unless said
23 Commission adopts a resolution approving the peti-
24 tion.

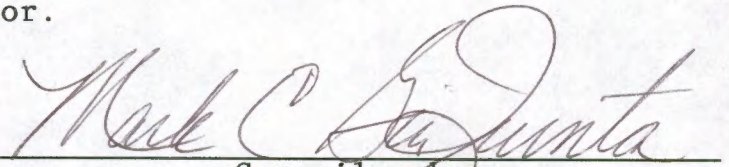
25 SECTION 3. That, said designation of the hereinabove
26 described property as an "Economic Revitalization Area" shall
27 only apply to a deduction of the assessed value of real estate.

28 SECTION 4. That this Resolution shall be subject to
29 being confirmed, modified and confirmed or rescinded after public
30 hearing and receipt by Common Council of the above described re-
31 commendations and resolution, if applicable.
32

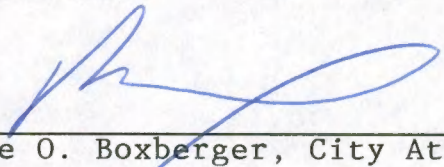
1 Page Six

2 SECTION 5. Pursuant to I.C. 6-1.1-12.1-3(b)(1), it
3 is hereby determined that the deduction from the assessed value
4 of the real property shall be for a period of ten (10) years.

5 SECTION 6. That this Resolution shall be in full
6 force and effect from and after its passage and any and all
7 necessary approval by the Mayor.

8 
9 _____
10 Councilmember

11 APPROVED AS TO FORM
12 AND LEGALITY

13 
14 _____
15 Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.

DATE: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Samuel J. Talarico, seconded by Samuel J. Talarico, and duly adopted, placed on its passage. PASSED (lost) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 11-10-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) (GENERAL)

(SPECIAL) ~~(ZONING MAP)~~ ORDINANCE (RESOLUTION) NO. B-85-86
on the 10th day of November, 1986,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of November, 1986, at the hour of 9:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of November, 1986, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

AN APPLICATION TO
THE CITY OF FORT WAYNE, INDIANA
FOR DESIGNATION OF PROPERTY AS AN
"ECONOMIC REVITALIZATION AREA"

RECEIVED
OCT 24 1986
ECONOMIC
DEVELOPMENT

APPLICATION FOR THE FOLLOWING TYPE OF PROPERTY:

☒ Real Estate Improvements
☐ Personal Property (New Manufacturing Equipment)
☐ Both Real Estate Improvements & Personal Property

A. GENERAL INFORMATION

Applicant's Name: CBD Investment Group, an Indiana general partnership

Address of Applicant's Principle Place of Business:

6700 East State Boulevard

Fort Wayne, Indiana 46815

Phone Number of Applicant: (219) 749-0425

Street Address of Property Seeking Designation:

See Schedule A - Legal Description

S.I.C. Code of Substantial User of Property: _____

B. PROJECT SUMMARY INFORMATION:

	<u>YES</u>	<u>NO</u>
Is the project site solely within the city limits of the City of Fort Wayne	<u>X</u>	<u> </u>
Is the project site within the flood plain?	<u> </u>	<u>X</u>
Is the project site within the rivergreenway area?	<u> </u>	<u>X</u>
Is the project site within a Redevelopment Area?	<u>X</u>	<u> </u>
Is the project site within a platted industrial park?	<u> </u>	<u>X</u>
Is the project site within the designated downtown area?	<u>X</u>	<u> </u>
Is the project site within the Urban Enterprise Zone?	<u>X</u>	<u> </u>
Will the project have ready access to City Water?	<u>X</u>	<u> </u>
Will the project have ready access to City Sewer?	<u>X</u>	<u> </u>
Is any adverse environmental impact anticipated by reason of operation of the proposed project?	<u> </u>	<u>X</u>

C. ZONING INFORMATION

What is the existing zoning classification on the project site? B 3 A

What zoning classification does the project require? B 3 A

What is the nature of the business to be conducted at the project site?
Commercial office building and attendant parking facilities

D. Real Estate Abatement:

Complete this section of the application only if in future will request a deduction from assessed value for real estate improvements.

What structure(s) (if any) are currently on the property?

Former L. S. Ayres department store building, Roth, Wehrly Realty building,
Adams Appliance store building

What is the condition of structure(s) listed above? L.S. Ayres - Vacant

Current assessed value of Real Estate:

Land	<u>\$ 340,300</u>	See Attached Schedule B
Improvements	<u>\$ 704,500</u>	
Total	<u>\$1,044,800</u>	

What was amount of Total Property Taxes owed during the immediate past year? \$85,198.10 for year 1985.

Give a brief description of the proposed improvements to be made to the real estate.

Rehabilitation and renovation of the L. S. Ayres building for use as a commercial
office building

Cost of Improvements: \$ 7,000,000 (includes acquisition, renovation, rehabilitation and related project costs)

Development Time Frame: 2 years

When will physical aspects of improvements begin? Approximately Jan. 1, 1987

When is completion expected? October, 1988

E. PERSONAL PROPERTY ABATEMENT:

Complete this section of the application only if in future will request a deduction from assessed value for installation of new manufacturing equipment.

Current Assessed Value of Personal Property: _____

What was amount of Personal Property Taxes owed during the immediate past year? _____ for year 19__.

Give a brief description of new manufacturing equipment to be installed at the project site.

Cost of New Manufacturing Equipment? \$ _____

Development Time Frame:

When will installation begin of new manufacturing equipment? _____

When is installation expected to be completed? _____

F. PUBLIC BENEFIT INFORMATION:

How many permanent jobs currently are employed by the applicant in Allen County? Applicant is a newly formed Indiana partnership and therefore employs no persons at the present time. Waterfield Mortgage Company, Incorporated, a primary tenant at the building employs 340 persons in Allen County.

How many permanent jobs will be created as a result of this project? Waterfield Mortgage Company, Incorporated projects 50 additional jobs will be created at its company. It is anticipated that the building will contain tenants who will initially employ 500-600 persons, and these business will expand and create new jobs.

Anticipated time frame for reaching employment level stated above? 2 years

What is the nature of those jobs?

Nature of jobs will vary with the nature of tenants' businesses.

Undesirability of Normal Development:

What evidence can be provided that the property on which the project is located "has become undesirable for, or impossible of, normal development and occupancy because of lack of age, development, cessation of growth, deterioration of improvements or character of occupancy, obsolescence, substandard buildings or other factors which have impaired values or prevent a normal development or property or use of property"?

The L. S. Ayres department store closed its operations in 1979, and since that time the building has been vacant and in a deteriorating condition. The development of this property could only occur with a substantial commitment to the rehabilitation and renovation of this building and a change of its use to that of a commercial office building. This site and the surrounding area has been stagnant and in a deteriorating condition since the departure of L. S. Ayres.

In what Township is project site located? Wayne

In what Taxing District is project site located? City of Fort Wayne,
Allen County

G. CONTACT PERSON:

Name & Address of Contact Person for further information if required:

Joseph L. Zehr

6700 East State Boulevard

Fort Wayne, Indiana 46815

Phone Number of Contact Person (219) 749-0425

I hereby certify that the information and representation on this Application and attached exhibits are true and complete.

CBD INVESTMENT GROUP, an Indiana general partnership,

By:

Signature of Applicant

Joseph L. Zehr, Partner

October 24, 1986

Date

EXHIBITS:

The following exhibits must be attached to the application for it to be considered complete:

1. Legal Description of Property
2. Check for application fee of \$50.00 to be made payable to City of Fort Wayne.
3. Owners Certificate (if applicant is not the owner of property to be designated).

PARCEL 1

TRACT 1

Lots Numbered 119, 120, 121, 122, 123 and 124, the vacated alley between said Lots 121 and 122, and the vacated alley through said Lot 120, excepting that part of Lot 124 taken for the widening of Clinton Street, all in the Original Plat of the town, now City of Fort Wayne.

TRACT II

Lot 118, Lot 117 EXCEPT the North 70 feet thereof; Lot 116, EXCEPT the North 70 feet of the East 42.5 feet thereof; TOGETHER WITH the East One-Half or 2.5 feet of a 5 foot Vacated Fire Alley lying between Lots 115 and 116, all in the Original Plat of the Town, now City of Fort Wayne.

PARCEL 2

Lot Number 113, except that part given for the widening of Clinton Street, recorded in Miscellaneous Record 77, page 170 and Lots 114 and 115 and also the West 2 1/2 feet of the vacated alley adjacent to the East side of Lot 115 in the Original Plat of the town (now City) of Fort Wayne, according to the plat thereof, recorded in Deed Record D page 169, in the Office of the Recorder of Allen County, Indiana.

PARCEL 3

A part of Lot Numbered 117 Original Plat of the Town, now City of Fort Wayne, more particularly described as follows, to-wit:

Commencing at the northeast corner of said Lot 117; thence west along the north line of said lot 32.5 feet; thence South parallel with the east line of said lot 70 feet; thence east parallel with the north line of said lot 32.5 feet; thence north along the east line of said lot 70 feet to the point of beginning.

ALSO

Commencing at a point on the North line of said Lot 117, 32.5 feet West of the North-east corner; thence West along the North line of said lot, 22 feet; thence South parallel with the East line of said lot, 70 feet; thence East parallel with the North line of said lot, 22 feet; thence North parallel with the East line of said lot, 70 feet to the point of beginning.

PARCEL 4

That part of Lot No. 116 of the Original Plat of the Town, now City of Fort Wayne, described as follows:

Commencing at a point on the north line of Lot No. 116 of the Original Plat of the town, now City of Fort Wayne, 17.5 feet east of the northwest corner of said Lot No. 116; thence east along the north line of said lot, 24 feet; thence south parallel with the west line of said lot, 70 feet; thence west parallel with the north line of said lot, 24 feet; thence north parallel with the west line of said lot 70 feet to the place of beginning.

And

A part of lots 116 and 117, Original Plat of the town now city of Fort Wayne, Allen County, Indiana, described as follows, to-wit:

SCHEDULE A (page 2)

Commencing at a point on the north line of lot 116, of said Original Plat 41.5 feet east of the northwest corner of said lot 116; thence east along the north line of said lots 24 feet; thence south parallel with the north and south lines of said lots 70 feet; thence west parallel with the east and west lines of said lots 24 feet; thence North parallel with the north and south lines of said lots 70 feet to the point of beginning, according to the plat thereof, recorded in Deed Record D, page 19 in the Office of the Recorder of Allen County, Indiana.

PARCEL 5

Lots #64 and #65 together with the vacated 10 foot alley between said lots and part of Lot #66 all in the Final Plat of the County Addition an Addition to the Town (now City) of Fort Wayne as recorded in Plat Book 0, page 3.

ALSO Lot #272 and part of Lot #1 together with the vacated 10 foot alley between said lots all in the Final Plat of Samuel Hanna's First Addition to the Town (now City) of Fort Wayne, Indiana and more particularly described as follows, to wit:

BEGINNING at the Northeast corner of Lot #64 in the County Addition said point marked by the center of a wrought iron fence post set in a concrete wall; thence West along the North line of Lot #64, 65 and 66 also being the South right of way line of Berry Street a distance of 180.6 feet to an iron pin set, said point being the Northeast corner of a dedicated alley as recorded in Document Number 84-020566; thence South along the East line of said Alley Dedication a distance of 130.0 feet to an iron pin set; thence Southeasterly continuing along an Easterly line of said alley a distance of 32.01 feet to an iron pin set on the South line of Lot #1 in Samuel Hanna's First Addition, said point located 74.4 feet East of the Southwest corner of said Lot #1; thence East along the South line of Lot #1 and Lot #272 in said Samuel Hanna's First Addition a distance of 155.85 feet measured to an iron pin found, said point being the Southeast corner of said Lot #272; thence North along the East line of said Lot #272 and the East line of said Lot #64 in the County Addition a distance of 150.0 feet to the point of beginning, containing 0.62 acres of land more or less.

PARCEL 6

Lots Numbered 173, 174 and 175 and five feet of the vacated alley adjoining said Lot Number 175 in the East, in the original plat of the town (now City) of Fort Wayne, Allen County, EXCEPT West ten feet of Lot 173 taken for street purposes.

PARCEL 7

Lot Number 176 in the Original Plat of the Town, now City, of Fort Wayne, according to the plat thereof.



SCHEDULE B

<u>Land Description</u>	<u>Assessed Value Improvements</u>	<u>Assessed Value Land</u>	<u>Annual Taxes</u>
L. S. Ayres Parking Lot	\$ 1,500	\$ 26,900	\$ 2,270.00
L. S. Ayres Building	667,200	142,000	64,679.92
Lincoln National Bank Parking Lot (Clinton and Berry)	2,100	77,600	6,370.48
Roth Wehrly	9,600	6,800	1,270.90
Roth Wehrly	4,600	4,600	735.36
Adams	8,000	5,000	1,039.10
Adams	8,600	5,000	1,087.06
Zacher	800	24,000	1,982.28
Lincoln National Bank Parking Lot (Clinton and Wayne)	<u>2,100</u>	<u>70,000</u>	<u>5,763.00</u>
	\$704,500	\$340,300	\$85,198.10

SCHEDULE C

FILING FEE CHECK OF \$50.00

DIGEST SHEETTITLE OF ORDINANCE Declaratory Resolution Q-86-11-02DEPARTMENT REQUESTING ORDINANCE Economic Development

SYNOPSIS OF ORDINANCE A Declaratory Resolution designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as the former L. S. Ayres department store building, Roth, Wehrly Realty building, Adams Appliance store building. (CBD Investment Group, Petitioner).

EFFECT OF PASSAGE Rehabilitation and renovation of the L. S. Ayres building for use as a commercial office building. The building is presently vacant. It is anticipated that the building will contain tenants who will initially employ 500-600 persons, and these businesses will expand and create new jobs. The nature of the jobs will vary with the nature of tenants' businesses.

EFFECT OF NON-PASSAGE Opposite of the above.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$7,000,000.00

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. R-86-11-02

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (~~ORDINANCE~~) (RESOLUTION) designating an "Economic

Revitalization Area" under I.C. 6-1.1-12.1 for property commonly

known as the former L.S. Ayres department store building, Roth,

Wehrly Realty building, Admas Appliance store building. (CBD

Investment Group, Petitioner)

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION AND BEG

LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (~~ORDINANCE~~)

(RESOLUTION) _____

YES

NO

MARK E. GiaQUINTA
CHAIRMAN

CHARLES B. REDD
VICE CHAIRMAN

PAUL M. BURNS

JANET G. BRADBURY

JAMES S. STIER

CONCURRED IN 11-10-86

SANDRA E. KENNEDY
CITY CLERK